

[Create an Alert for This Case on RECAP](#)

APPEAL, COVID-19, JCB2

**U.S. District Court
Eastern District of TEXAS [LIVE] (Tyler)
CIVIL DOCKET FOR CASE #: 6:20-cv-00564-JCB**

Terkel et al v. Centers for Disease Control and
Prevention et al
Assigned to: District Judge J. Campbell Barker
Case in other court: Fifth Circuit Court of Appeals, 21-
40137
Cause: 05:702 Administrative Procedure Act

Date Filed: 10/22/2020
Date Terminated: 02/25/2021
Jury Demand: None
Nature of Suit: 899 Other Statutes:
Administrative Procedures
Act/Review or Appeal of Agency
Decision
Jurisdiction: U.S. Government
Defendant

Plaintiff

Lauren Terkel

represented by **Celia Howard O'Leary**
Southeastern Legal Foundation
560 W. Crossville Rd.
Suite 104
Roswell, GA 30075
770-977-2131
Fax: 770-997-2134
Email:
coleary@southeasternlegal.org
ATTORNEY TO BE NOTICED

Chance Dean Weldon
Texas Public Policy Foundation
901 Congress Avenue
Austin, TX 78701
512-472-2700
Fax: 512-472-2728
Email: cweldon@texaspolicy.com
ATTORNEY TO BE NOTICED

Joseph Aaron Barnes , Sr
Office of The Attorney General of
Texas **
P O Box 12548
Capitol Station
Austin, TX 78711-2548

512.936.2021
Fax: 512-457-4410
Email: aaron.barnes@oag.texas.gov
ATTORNEY TO BE NOTICED

Kimberly S Hermann
Southeastern Legal Foundation
560 W. Crossville Rd.
Suite 104
Roswell, GA 30075
770-977-2131
Fax: 770-997-2134
Email:
khermann@southeasternlegal.org
ATTORNEY TO BE NOTICED

Ryan Daniel Walters
Texas Public Policy Foundation
901 Congress Avenue
Austin, TX 78701
5129362714
Fax: 5124574410
Email: ryan.walters@oag.texas.gov
ATTORNEY TO BE NOTICED

Robert Earl Henneke
Texas Public Policy Foundation
901 Congress Avenue
Austin, TX 78701
512-472-2700
Fax: 512-472-2728
Email: rhenneke@texaspolicy.com
ATTORNEY TO BE NOTICED

Plaintiff

**Pineywoods Arcadia Home Team,
Ltd.**

represented by **Celia Howard O'Leary**
(See above for address)
ATTORNEY TO BE NOTICED

Chance Dean Weldon
(See above for address)
ATTORNEY TO BE NOTICED

Joseph Aaron Barnes , Sr
(See above for address)
ATTORNEY TO BE NOTICED

Kimberly S Hermann
(See above for address)
ATTORNEY TO BE NOTICED

Ryan Daniel Walters
(See above for address)
ATTORNEY TO BE NOTICED

Robert Earl Henneke
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Lufkin Creekside Apartments, Ltd. represented by **Celia Howard O'Leary**
(See above for address)
ATTORNEY TO BE NOTICED

Chance Dean Weldon
(See above for address)
ATTORNEY TO BE NOTICED

Joseph Aaron Barnes , Sr
(See above for address)
ATTORNEY TO BE NOTICED

Kimberly S Hermann
(See above for address)
ATTORNEY TO BE NOTICED

Ryan Daniel Walters
(See above for address)
ATTORNEY TO BE NOTICED

Robert Earl Henneke
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Lufkin Creekside Apartments II, Ltd. represented by **Celia Howard O'Leary**
(See above for address)
ATTORNEY TO BE NOTICED

Chance Dean Weldon
(See above for address)
ATTORNEY TO BE NOTICED

Joseph Aaron Barnes , Sr
(See above for address)
ATTORNEY TO BE NOTICED

Kimberly S Hermann
(See above for address)
ATTORNEY TO BE NOTICED

Ryan Daniel Walters
(See above for address)
ATTORNEY TO BE NOTICED

Robert Earl Henneke
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Lakeridge Apartments, Ltd.

represented by **Celia Howard O'Leary**
(See above for address)
ATTORNEY TO BE NOTICED

Chance Dean Weldon
(See above for address)
ATTORNEY TO BE NOTICED

Joseph Aaron Barnes , Sr
(See above for address)
ATTORNEY TO BE NOTICED

Kimberly S Hermann
(See above for address)
ATTORNEY TO BE NOTICED

Ryan Daniel Walters
(See above for address)
ATTORNEY TO BE NOTICED

Robert Earl Henneke
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

**Weatherford Meadow Vista
Apartments, LP**

represented by **Celia Howard O'Leary**
(See above for address)
ATTORNEY TO BE NOTICED

Chance Dean Weldon

(See above for address)
ATTORNEY TO BE NOTICED

Joseph Aaron Barnes , Sr
(See above for address)
ATTORNEY TO BE NOTICED

Kimberly S Hermann
(See above for address)
ATTORNEY TO BE NOTICED

Ryan Daniel Walters
(See above for address)
ATTORNEY TO BE NOTICED

Robert Earl Henneke
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

**MacDonald Property Management,
LLC**

represented by **Celia Howard O'Leary**
(See above for address)
ATTORNEY TO BE NOTICED

Chance Dean Weldon
(See above for address)
ATTORNEY TO BE NOTICED

Joseph Aaron Barnes , Sr
(See above for address)
ATTORNEY TO BE NOTICED

Kimberly S Hermann
(See above for address)
ATTORNEY TO BE NOTICED

Ryan Daniel Walters
(See above for address)
ATTORNEY TO BE NOTICED

Robert Earl Henneke
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

**Centers for Disease Control and
Prevention**

represented by **Leslie Cooper Vigen**
U.S. Department of Justice - Civil
Division - DC L
1100 L Street NW
Washington, DC 20005
202-305-0727
Fax: 202-616-8470
Email: leslie.vigen@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Steven Andrew Myers
U.S. Department of Justice - Civil
Division - DC L
1100 L Street NW
Washington, DC 20005
202-305-8648
Fax: 202-616-8470
Email: steven.a.myers@usdoj.gov
ATTORNEY TO BE NOTICED

Defendant

Director Rochelle P. Walensky
Director substituted on 2/22/2021

represented by **Leslie Cooper Vigen**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Steven Andrew Myers
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Acting Chief Sherri A. Berger
Acting Chief substituted on 2/22/2021

represented by **Leslie Cooper Vigen**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Steven Andrew Myers
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

**United States Department of
Health and Human Services**

represented by **Leslie Cooper Vigen**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Steven Andrew Myers
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Acting Secretary Norris Cochran
Acting Secretary substituted on
2/22/2021

represented by **Leslie Cooper Vigen**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Steven Andrew Myers
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

United States of America

represented by **Leslie Cooper Vigen**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
10/22/2020	<u>1</u>	COMPLAINT <i>for Declaratory and Injunctive Relief</i> against All Defendants (Filing fee \$ 400 receipt number 0540-8069083.), filed by Lauren Terkel, Weatherford Meadow Vista Apartments, LP, Pineywoods Arcadia Home Team, Ltd., Lufkin Creekside Apartments II, Ltd., MacDonald Property Management, LLC, Lufkin Creekside Apartments, Ltd., Lakeridge Apartments, Ltd.. (Attachments: # <u>1</u> Civil Cover Sheet)(Henneke, Robert) (Entered: 10/22/2020)
10/22/2020	<u>2</u>	MOTION for Leave to File Excess Pages <i>for Non-Dispositive Motion</i> by Lakeridge Apartments, Ltd., Lufkin Creekside Apartments II, Ltd., Lufkin Creekside Apartments, Ltd., MacDonald Property Management, LLC, Pineywoods Arcadia Home Team, Ltd., Lauren Terkel, Weatherford Meadow Vista Apartments, LP. (Attachments: # <u>1</u> Text of Proposed Order)(Henneke, Robert) (Entered: 10/22/2020)
10/22/2020	<u>3</u>	MOTION for Preliminary Injunction by Lakeridge Apartments, Ltd., Lufkin Creekside Apartments II, Ltd., Lufkin Creekside Apartments, Ltd., MacDonald Property Management, LLC, Pineywoods Arcadia Home Team, Ltd., Lauren Terkel, Weatherford Meadow Vista Apartments, LP. (Attachments: # <u>1</u> Text of Proposed Order)(Henneke, Robert) (Entered: 10/22/2020)
10/22/2020		District Judge J. Campbell Barker added. (mll,) (Entered: 10/23/2020)
10/22/2020		MINUTE ORDER adopting in this case Judge Barker's standing orders, which may be obtained from his court-website page.

		Noncompliance with those standing orders may result in a sanction or other disadvantage. (mll,) (Entered: 10/23/2020)
10/23/2020	4	NOTICE of Attorney Appearance - Pro Hac Vice by Celia Howard O'Leary on behalf of All Plaintiffs. Filing fee \$ 100, receipt number 0540-8069556. (O'Leary, Celia) (Entered: 10/23/2020)
10/23/2020	5	NOTICE of Attorney Appearance - Pro Hac Vice by Kimberly S Hermann on behalf of All Plaintiffs. Filing fee \$ 100, receipt number 0540-8069561. (Hermann, Kimberly) (Entered: 10/23/2020)
10/23/2020		In accordance with the provisions of 28 USC Section 636(c), you are hereby notified that a U.S. Magistrate Judge of this district court is available to conduct any or all proceedings in this case including a jury or non-jury trial and to order the entry of a final judgment. The form Consent to Proceed Before Magistrate Judge is available on our website. All signed consent forms, excluding pro se parties, should be filed electronically using the event <i>Notice Regarding Consent to Proceed Before Magistrate Judge</i> . (mll,) (Entered: 10/23/2020)
10/23/2020	6	SUMMONS Issued as to Alex Azar, Centers for Disease Control and Prevention, Robert R. Redfield, United States Department of Health and Human Services, and Nina Witkofsky. (Attachments: # 1 Summons(es), # 2 Summons(es), # 3 Summons(es), # 4 Summons(es))(ndc) (Entered: 10/23/2020)
10/23/2020		MINUTE ORDER granting 2 Motion for Leave to File Excess Pages for Non-Dispositive Motion. The Motion for Preliminary Injunction and Memorandum in Support 3 is hereby deemed filed <i>nunc pro tunc</i> . Any response thereto shall not exceed 30 pages, exclusive of exhibits and attachments. Ordered by District Judge J. Campbell Barker on 10/23/2020. (ndc) (Entered: 10/23/2020)
10/28/2020	7	AFFIDAVIT of Service for Summons with Complaint, Motion for Preliminary Injunction w/Order, Motion for Leave to Exceed Page Limits served on All Defendants on October 23, 2020, filed by Lakeridge Apartments, Ltd., Lufkin Creekside Apartments II, Ltd., Lufkin Creekside Apartments, Ltd., MacDonald Property Management, LLC, Pineywoods Arcadia Home Team, Ltd., Lauren Terkel, Weatherford Meadow Vista Apartments, LP. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Exhibit 5)(Henneke, Robert) (Entered: 10/28/2020)
11/03/2020	8	***DEFICIENT FILING. TO BE REFILED BY ATTORNEY AS A PRO HAC VICE.*** NOTICE of Attorney Appearance by Leslie Cooper Vigen on behalf of All Defendants (Vigen, Leslie) Modified on 11/3/2020 (gsg). (Entered: 11/03/2020)
11/03/2020		NOTICE of Deficiency regarding the Notice of Appearance, Docket Entry 8 . Incorrect Docketing Event. To be refiled by attorney as a Pro

		Hav Vice. Correction should be made by 1 Business Day. (gsg) (Entered: 11/03/2020)
11/03/2020	<u>9</u>	NOTICE of Attorney Appearance - Pro Hac Vice by Leslie Cooper Vigen on behalf of All Defendants. Filing fee waived. (saenz,) (Entered: 11/03/2020)
11/09/2020	<u>10</u>	NOTICE of Attorney Appearance by Steven Andrew Myers on behalf of All Defendants (Myers, Steven) (Entered: 11/09/2020)
11/09/2020	<u>11</u>	RESPONSE in Opposition re <u>3</u> MOTION for Preliminary Injunction <i>filed by Alex Azar, Centers for Disease Control and Prevention, Robert R. Redfield, United States Department of Health and Human Services, Nina Witkofsky.</i> (Attachments: # <u>1</u> Exhibit Order Denying Preliminary Injunction Motion in Tiger Lily v. U.S. Dep't of Housing & Urban Dev., # <u>2</u> Exhibit Order Denying Temporary Restraining Order in KBW Investment Props. LLC v. Azar)(Vigen, Leslie) (Entered: 11/09/2020)
11/16/2020	<u>12</u>	Unopposed MOTION for Leave to File Excess Pages by Lakeridge Apartments, Ltd., Lufkin Creekside Apartments II, Ltd., Lufkin Creekside Apartments, Ltd., MacDonald Property Management, LLC, Pineywoods Arcadia Home Team, Ltd., Lauren Terkel, Weatherford Meadow Vista Apartments, LP. (Attachments: # <u>1</u> Text of Proposed Order)(Henneke, Robert) (Entered: 11/16/2020)
11/16/2020	<u>13</u>	REPLY to Response to Motion re <u>3</u> MOTION for Preliminary Injunction <i>filed by Lakeridge Apartments, Ltd., Lufkin Creekside Apartments II, Ltd., Lufkin Creekside Apartments, Ltd., MacDonald Property Management, LLC, Pineywoods Arcadia Home Team, Ltd., Lauren Terkel, Weatherford Meadow Vista Apartments, LP.</i> (Henneke, Robert) (Entered: 11/16/2020)
11/17/2020		MINUTE ORDER granting <u>12</u> Unopposed Motion for Leave to File Excess Pages for Non-Dispositive Motion. The Reply to Response to Motion for Preliminary Injunction <u>13</u> is hereby deemed filed <i>nunc pro tunc</i> . Any sur-reply shall not exceed 15 pages, exclusive of exhibits and attachments. Ordered by District Judge J. Campbell Barker on 11/17/2020. (ndc) (Entered: 11/17/2020)
11/17/2020	<u>14</u>	Emergency MOTION to Expedite <i>Consideration of Plaintiffs' Motion for Preliminary Injunction</i> by Lakeridge Apartments, Ltd., Lufkin Creekside Apartments II, Ltd., Lufkin Creekside Apartments, Ltd., MacDonald Property Management, LLC, Pineywoods Arcadia Home Team, Ltd., Lauren Terkel, Weatherford Meadow Vista Apartments, LP. (Attachments: # <u>1</u> Text of Proposed Order)(Henneke, Robert) (Entered: 11/17/2020)
11/18/2020	<u>15</u>	ORDER Setting Hearing on Motion <u>3</u> MOTION for Preliminary Injunction : Motion Hearing set for 11/20/2020 at 10:00 AM by

		telephone before District Judge J. Campbell Barker. Signed by District Judge J. Campbell Barker on 11/18/2020. (ndc) (Entered: 11/18/2020)
11/18/2020		NOTICE providing the public access line (877-336-1839) and access code (6231391) for the hearing on motion 3 set for 11/20/2020 at 10:00 AM by telephone before District Judge J. Campbell Barker. (ndc) (Entered: 11/18/2020)
11/18/2020	16	NOTICE of Attorney Appearance by Chance Dean Weldon on behalf of All Plaintiffs (Weldon, Chance) (Entered: 11/18/2020)
11/20/2020	17	Minute Entry for proceedings held before District Judge J. Campbell Barker: Motion Hearing held on 11/20/2020 re 3 MOTION for Preliminary Injunction. The court granted 14 Emergency MOTION to Expedite Consideration of Plaintiffs' Motion for Preliminary Injunction. (Court Reporter Susan Zielie.) (ndc) (Entered: 11/20/2020)
11/20/2020	18	ORDER for the parties to provide any information that would counsel against considering or granting summary judgment in response to this notice by 12/4/2020. Any briefing and response is limited to 20 pages. Signed by District Judge J. Campbell Barker on 11/20/2020. (ndc) (Entered: 11/20/2020)
11/23/2020	19	PAPER TRANSCRIPT REQUEST by Alex Azar, Centers for Disease Control and Prevention, Robert R. Redfield, United States Department of Health and Human Services, Nina Witkofsky for proceedings held on 11/20/2020 Motion Hearing before Judge J. Campbell Barker. (Forward to Susan Zielie)(Vigen, Leslie) (Main Document 19 replaced on 11/23/2020 with flattened image) (nkl,). Modified on 11/23/2020 (nkl,). (Entered: 11/23/2020)
11/23/2020	20	PAPER TRANSCRIPT REQUEST by Lakeridge Apartments, Ltd., Lufkin Creekside Apartments II, Ltd., Lufkin Creekside Apartments, Ltd., MacDonald Property Management, LLC, Pineywoods Arcadia Home Team, Ltd., Lauren Terkel, Weatherford Meadow Vista Apartments, LP for proceedings held on 11/20/2020 Motion Hearing before Judge J. Campbell Barker. (Forward to Susan Zielie) (Henneke, Robert) (Main Document 20 replaced on 11/24/2020 with flattened image) (nkl,). Modified on 11/24/2020 (nkl,). (Entered: 11/23/2020)
12/01/2020	21	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings held on 11-20-2020 before Judge JC BARKER. Court Reporter/Transcriber: SAZIELIE, Telephone number: 903-590-1065. NOTICE RE REDACTION OF TRANSCRIPTS: The parties have seven (7) days to file with the Court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript will be made remotely electronically available to the

		public without redaction after 90 calendar days. The policy is located on our website at www.txed.uscourts.gov Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER.. Motion to Redact due 12/22/2020. Release of Transcript Restriction set for 3/1/2021. (saz,) (Entered: 12/01/2020)
12/04/2020	<u>22</u>	NOTICE by Lakeridge Apartments, Ltd., Lufkin Creekside Apartments II, Ltd., Lufkin Creekside Apartments, Ltd., MacDonald Property Management, LLC, Pineywoods Arcadia Home Team, Ltd., Lauren Terkel, Weatherford Meadow Vista Apartments, LP re <u>18</u> Order, <i>Plaintiffs' Statement in Support of Considering and Granting Declaratory Relief on Summary Judgment</i> (Henneke, Robert) (Entered: 12/04/2020)
12/04/2020	<u>23</u>	NOTICE by Alex Azar, Centers for Disease Control and Prevention, Robert R. Redfield, United States Department of Health and Human Services, Nina Witkofsky re <u>18</u> Order, <i>Defendants' Memorandum in Response to the Court's November 20, 2020 Order</i> (Vigen, Leslie) (Entered: 12/04/2020)
12/07/2020	<u>24</u>	ORDER for Defendants to file the administrative record for the challenged agency order on the same day that the government files that same administrative record in any other pending litigation. Signed by District Judge J. Campbell Barker on 12/7/2020. (ndc) (Entered: 12/07/2020)
12/07/2020	<u>25</u>	NOTICE of Attorney Appearance by Ryan Daniel Walters on behalf of All Plaintiffs (Walters, Ryan) (Entered: 12/07/2020)
12/10/2020	<u>26</u>	ORDER adding United States of America as a defendant. Any disagreement with this addition should be raised by motion filed by 12/14/2020. The scheduling order <u>24</u> is modified to direct defendants to file the administrative record in this action on or before 12/14/2020. Any related briefing is due as noted herein. Signed by District Judge J. Campbell Barker on 12/10/2020. (ndc) (Entered: 12/10/2020)
12/11/2020	<u>27</u>	AFFIDAVIT of Service for Summons with Complaint, Motion for Preliminary Injunction w/Order, Motion for Leave to Exceed Page Limits <i>Amended</i> served on Defendants on 10/23/2020, filed by Lakeridge Apartments, Ltd., Lufkin Creekside Apartments II, Ltd., Lufkin Creekside Apartments, Ltd., MacDonald Property Management, LLC, Pineywoods Arcadia Home Team, Ltd., Lauren Terkel, Weatherford Meadow Vista Apartments, LP. (Henneke, Robert) (Entered: 12/11/2020)
12/14/2020	<u>28</u>	NOTICE by Alex Azar, Robert R. Redfield, United States Department of Health and Human Services, United States of America, Nina

		Witkofsky <i>of Filing of Administrative Record</i> (Attachments: # 1 Exhibit Administrative Record Certification and Index, # 2 Exhibit Administrative Record - Part 1, # 3 Exhibit Administrative Record - Part 2, # 4 Exhibit Administrative Record - Part 3, # 5 Exhibit Administrative Record - Part 4, # 6 Exhibit Administrative Record - Part 5)(Vigen, Leslie) (Entered: 12/14/2020)
12/14/2020	29	Additional Attachments to Main Document: 28 Notice (Other),... (Attachments: # 1 Exhibit Administrative Record - Part 6, # 2 Exhibit Administrative Record - Part 7, # 3 Exhibit Administrative Record - Part 8)(Vigen, Leslie) (Entered: 12/14/2020)
12/16/2020	30	ORDER directing the government to file a supplemental brief addressing whether the challenged agency order's expiration will moot this action by 12/23/2020. If the agency order is extended prior to 12/23/2020, the government shall file by 12/23/2020 a notice of the order's extension. Any response by plaintiffs to the government's supplemental brief on impending mootness is due by 12/30/2020. Signed by District Judge J. Campbell Barker on 12/16/2020. (ndc) (Entered: 12/16/2020)
12/16/2020	31	NOTICE by Alex Azar, Centers for Disease Control and Prevention, Robert R. Redfield, United States Department of Health and Human Services, United States of America, Nina Witkofsky re 28 Notice (Other),, <i>of Filing of Appendix to the Administrative Record</i> (Attachments: # 1 Exhibit Recertification of Administrative Record and Updated Index, # 2 Exhibit Administrative Record - Part 9)(Vigen, Leslie) (Entered: 12/16/2020)
12/21/2020	32	Unopposed MOTION for Extension of Time to File Answer by Alex Azar, Centers for Disease Control and Prevention, Robert R. Redfield, United States Department of Health and Human Services, United States of America, Nina Witkofsky. (Attachments: # 1 Text of Proposed Order)(Vigen, Leslie) (Entered: 12/21/2020)
12/22/2020		MINUTE ORDER denying 32 Unopposed Motion for Extension of Time File Answer. Ordered by District Judge J. Campbell Barker on 12/22/2020. (ndc) (Entered: 12/22/2020)
12/23/2020	33	NOTICE by Alex Azar, Centers for Disease Control and Prevention, Robert R. Redfield, United States Department of Health and Human Services, United States of America, Nina Witkofsky re 30 Order, <i>Defendants Response to the Court's December 16, 2020 Order</i> (Vigen, Leslie) (Entered: 12/23/2020)
12/28/2020	34	NOTICE by Lakeridge Apartments, Ltd., Lufkin Creekside Apartments II, Ltd., Lufkin Creekside Apartments, Ltd., MacDonald Property Management, LLC, Pineywoods Arcadia Home Team, Ltd., Lauren Terkel, Weatherford Meadow Vista Apartments, LP

		re 30 Order, <i>Plaintiffs' Reply to Defendants' Response to the Court's December 16, 2020 Order</i> (Henneke, Robert) (Entered: 12/28/2020)
12/28/2020	35	ANSWER to 1 Complaint, by Alex Azar, Centers for Disease Control and Prevention, Robert R. Redfield, United States Department of Health and Human Services, United States of America, Nina Witkofsky.(Vigen, Leslie) (Entered: 12/28/2020)
12/28/2020	36	NOTICE by Alex Azar, Centers for Disease Control and Prevention, Robert R. Redfield, United States Department of Health and Human Services, United States of America, Nina Witkofsky re 30 Order, <i>Defendants' Further Response to the Court's December 16, 2020 Order</i> (Vigen, Leslie) (Entered: 12/28/2020)
12/31/2020	37	NOTICE by Alex Azar, Centers for Disease Control and Prevention, Robert R. Redfield, United States Department of Health and Human Services, United States of America, Nina Witkofsky <i>of Supplemental Authority</i> (Attachments: # 1 Exhibit A - Preliminary Injunction Ruling in Chambless Enters., LLC v. Redfield, No. 20-1455 (W.D. La.), # 2 Exhibit B - Preliminary Injunction Order in Chambless Enters., LLC v. Redfield, No. 20-1455 (W.D. La.))(Vigen, Leslie) (Entered: 12/31/2020)
01/05/2021	38	NOTICE of Attorney Appearance by Joseph Aaron Barnes, Sr on behalf of All Plaintiffs (Barnes, Joseph) (Entered: 01/05/2021)
01/06/2021	39	RESPONSE to 37 Notice (Other), by Lakeridge Apartments, Ltd., Lufkin Creekside Apartments II, Ltd., Lufkin Creekside Apartments, Ltd., MacDonald Property Management, LLC, Pineywoods Arcadia Home Team, Ltd., Lauren Terkel, Weatherford Meadow Vista Apartments, LP. (Henneke, Robert) (Entered: 01/06/2021)
02/01/2021	40	NOTICE by Alex Azar, Centers for Disease Control and Prevention, Robert R. Redfield, United States Department of Health and Human Services, United States of America, Nina Witkofsky (Attachments: # 1 Exhibit January 29, 2021 CDC Order)(Vigen, Leslie) (Entered: 02/01/2021)
02/12/2021	41	ORDER giving leave to file supplemental briefing on summary judgment in light of agency order extension. The briefing is due by 2/16/2021, and is limited to 10 pages for all plaintiffs and 10 pages for all defendants. Signed by District Judge J. Campbell Barker on 2/12/2021. (ndc) (Entered: 02/12/2021)
02/16/2021	42	NOTICE by Alex Azar, Centers for Disease Control and Prevention, Robert R. Redfield, United States Department of Health and Human Services, United States of America, Nina Witkofsky re 41 Order, <i>Defendants' Response to the Court's February 12, 2021 Order</i> (Vigen, Leslie) (Entered: 02/16/2021)
02/16/2021	43	NOTICE by Lakeridge Apartments, Ltd., Lufkin Creekside Apartments II, Ltd., Lufkin Creekside Apartments, Ltd., MacDonald

		Property Management, LLC, Pineywoods Arcadia Home Team, Ltd., Lauren Terkel, Weatherford Meadow Vista Apartments, LP re 41 <i>Order, Plaintiffs' Brief in Response to the Court's Request for Supplemental Briefing</i> (Henneke, Robert) (Entered: 02/16/2021)
02/17/2021		MINUTE ORDER that defendants shall supplement the administrative record to the CDC Order at issue by noon CST on February 22, 2021, to include any new materials considered or relied upon in issuing the recent, extended order now in effect. Ordered by District Judge J. Campbell Barker on 2/17/2021. (ndc) (Entered: 02/17/2021)
02/22/2021	44	NOTICE by Alex Azar, Centers for Disease Control and Prevention, Robert R. Redfield, United States Department of Health and Human Services, United States of America, Nina Witkofsky <i>of Filing of Supplemental Administrative Record</i> (Attachments: # 1 Affidavit Certification of Supplemental Administrative Record, # 2 Appendix Index of Supplemental Administrative Record, # 3 Supplement Supplemental Administrative Record - Part 1, # 4 Supplement Supplemental Administrative Record - Part 2)(Vigen, Leslie) (Entered: 02/22/2021)
02/22/2021		MINUTE ORDER that the clerk of court shall update the docket to reflect the Federal Rule of Civil Procedure 25(d) automatic substitutions recited in the government's February 1, 2021 notice. Ordered by District Judge J. Campbell Barker on 2/22/2021. (ndc) Modified on 2/22/2021 to correct date. (ndc). (Entered: 02/22/2021)
02/25/2021	45	OPINION AND ORDER dismissing without prejudice the claims of plaintiffs Pineywoods Arcadia Home Team, Ltd. and Weatherford Meadow Vista Apartments, LP for lack of standing; entering summary judgment granting declaratory relief for the remaining plaintiffs; and denying without prejudice any pending motion as moot. Signed by District Judge J. Campbell Barker on 2/25/2021. (ndc) (Entered: 02/25/2021)
02/25/2021	46	FINAL JUDGMENT. Signed by District Judge J. Campbell Barker on 2/25/2021. (ndc) (Entered: 02/25/2021)
02/27/2021	47	NOTICE OF APPEAL as to 46 Judgment, 45 Order, by Sherri A. Berger, Centers for Disease Control and Prevention, Norris Cochran, United States Department of Health and Human Services, United States of America, Rochelle P. Walensky. (Myers, Steven) (Entered: 02/27/2021)
03/12/2021	48	TRANSCRIPT REQUEST by Sherri A. Berger, Centers for Disease Control and Prevention, Norris Cochran, United States Department of Health and Human Services, United States of America, Rochelle P. Walensky (Vigen, Leslie) (Entered: 03/12/2021)

03/15/2021		USCA Case Number 21-40137 for 47 Notice of Appeal. (mll,) (Entered: 03/15/2021)
03/22/2021		Original Record on Appeal accepted for 21-40137. Counsel can now access the Electronic Record on Appeal by following the instruction found here: http://www.ca5.uscourts.gov/docs/default-source/forms/instructions-for-electronic-record-download-feature-of-cm.pdf . (mll,) (Entered: 03/22/2021)

PACER Service Center

Transaction Receipt

09/09/2021 18:24:35

PACER Login:	CRClearinghouse:2563377:0	Client Code:	Gillan
Description:	Docket Report	Search Criteria:	6:20-cv-00564-JCB
Billable Pages:	12	Cost:	1.20